IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

WEALTH TAX REFERENCE No 13 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE Sd/-
and
Hon'ble MR.JUSTICE D.A.MEHTA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

COMMISSIONER OF WEALTH-TAX

Versus

NATVERLAL J JADAWALA

Appearance:

1. WEALTH TAX REFERENCE No. 13 of 1986
MR BB NAYAK FOR MR MANISH R BHATT for Applicant.
SERVED BY RPAD - (N) for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE
and
MR.JUSTICE D.A.MEHTA

Date of decision: 30/07/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE A.R.DAVE)

1 At the instance of the revenue, the following question has been referred to this Court under the provisions of section 27(1) of the Wealth Tax Act,1957 for its opinion by the Income Tax Appellate Tribunal, Ahmedabad Bench, "A".

"Whether the Appellate Tribunal has not erred in law and facts in deleting the penalty imposed by the Wealth-tax Officer under section 18(1)(c) of the W.T.Act,1957?"

2. We have heard learned Advocate Mr.B.B.Nayak appearing for the applicant. Though served no body has appeared for the respondent-assessee.

3. Our attention has been drawn to a judgment delivered in Wealth Tax Reference No. 27 of 1983 decided on 16/12/1998. The said Reference pertains to the assessee himself for a similar question of law for the assessment year 1972-73, whereas we are concerned with assessment years 1975-76 and 1976-77. As the question referred to this Court in the present Reference as well as Wealth Tax Reference No. 27 of 1983 is the same, in view of the law laid down by this Court in Wealth Tax Reference No.27 of 1983, we answer the question referred to this Court in the affirmative i.e. in favour of the assessee and against the revenue.

4. The Reference thus stands disposed of accordingly with no order as to costs.

Sd/- Sd/-
(A.R.Dave, J) (D.A.Mehta, J)

m.m.bhatt